

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR) Department – Cancellation of certificate by the District Collector, Adilabad District vide Procgs.Rc.No.C3/2596/2019-61, dt. 30.01.2020 - Appeal filed by Jadhav Jyothi, D/o. Mothiram R/o.Devulnaik Thanda Village, Boath Mandal of Adilabad District– Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 27

Dated: 17-11-2020

Read the following:-

1. GO Ms.No.24, TW (LTR) Department, dated 12.6.2018.
2. Procgs.Rc.No C3/2596/2019-61, dt.30.01.2020 of District Collector, Adilabad.
3. Appeal petition filed by Jadhav Jyothi, D/o. Mothiram R/o.Devulnaik Thanda Village, Boath Mandal of Adilabad District, dated 24.02.2020.
4. Govt.Memo.No.305/TW.LTR/2020, dated 06.06.2020
5. Lr.Rc.No.D5/309/2018, dated:30.07.2020. of PO, ITDA, Utnoor, Adilabd District.
6. Notice No.305/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad in her Procgs.Rc.No.C3/2596/2019-61, dated 30.01.2020, has issued orders cancelling the Agency Area ST Certificate bearing No.C/656/2016, dt.12.08.2016 issued by the Tahsildar, Boath to the Appellant Jadhav Jyothi D/o Mothiram R/o Devulnaik Thanda village of Boath Mandal of Adilabad District, on the following grounds basing on the recommendations of the Scrutiny Committee.

- Appellant appeared before the Scrutiny Committee on 21.11.2019 and submitted the following documents:
 - 1358 Fasli (1948 year) of Chinthalbori village in favour of Ramji as a cultivator in Sy.No.6.
 - 1954-55 Khasra pahani in favour of Devla S/o Bheemsingh in Sy.No.29 situated at Pardi-B village of Boath Mandal.
 - Pahanies 1961-62 to 2010-11 in favour of Sri Devla S/o Bheemsingh in Sy.No.29 situated at Pardi-B village of Boath Mandal.
 - Pahani 2017-18 in favour of Jadhav Mothiram S/o Devla in Sy.No.51/....situated at Pardi-B village of Boath Mandal.
 - Voter list for 1977 – Sl.No.195, PS No.101 shows name of Jadhav Devla S/o Bheemsingh.
- The Scrutiny Committee conducted final hearing on 06.12.2019 and concluded with the following findings:
 - Through the Tahsildar, Boath has issued Agency Certificate vide Lr.No.C/815/2018, dt.04.01.2019, the following anomalies were found which are contrary to the provisions of GO Ms.No.24, TW (LTR.1) Dept. dt.12.06.2018.

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- The candidate has failed to submit the basic record pertaining to year 1950 standing in favour of her great grandfather i.e. Bheemsingh S/o Thukaram (however tampered record of 1954-55 submitted).
 - But, however, the candidate has furnished a record in favour of one Sri Ramji claiming that her own great grandfather by name Sri Bheemsingh S/o Thukaram are own brothers but she did not submit the documents which link the relationship between Bheemsingh S/o Thukaram and Ramji. Moreover, the pattedar in the 1358 Fasli document is one Nagoshivaram Desh and cultivator (kouldar) is one Ramji in Sy.No.6. There is no proof to establish whether the said Ramji is son of Thukaram & brother of Bheemsingh.
 - The candidate has furnished a copy of Khasra pahani 1954-55 which belong to Devla naik S/o Bheemsingh Sy.No.29 situated at Pardi-B village of Boath Mandal. The close verification of this document (Khasra) reveals correction in name & that it is written in different inks and which amounts to tampering of the record. Moreover, there is no link between the Sy.No.6 in 1358 Fasli (1948 year) and Sy.No.29 in Khasra pahani of Pardi-B village.
 - Hence, the above lapses like production of tampered/corrected record & no links established between Ramji & Bheemsingh and producing records from two unconnected villages of Pardi-B and Chintalbori were found.
- A show cause notice was issued to Jadhav Jyothi D/o Mothiram R/o Devulanaik thanda village of Boath Mandal to attend before the District Collector, Adilabad on 28.01.2020 to prove her claim as Local ST with relevant material/documents.
 - Accordingly, Jadhav Jyothi D/o Mothiram R/o Devulnaik Thanda village of Boath Mandal has attended before the District Collector, Adilabad on 28.01.2020 and deposed that the lands in favour of Sri Devula who is her grandfather from the year 1954-55 and she claimed the corrections noticed are the writings of the then revenue authorities only and no corrections were done by them. Further, no clear explanation is given for establishing link between Bheemsingh and Ramji. Moreover the candidate has not produced any other documentary evidence to prove residence in Agency area of his family forefathers since 1950. So, the above observations of the Scrutiny Committee are found valid.

3. Aggrieved by the above cancellation orders of the District Collector, Adilabad, the Appellant Jadhav Jyothi D/o Mothiram R/o Devulanaik thanda (vg) of Boath Mandal, Adilabad District vide reference 3rd read above has filed Appeal before the Government under GO Ms.No.24, dt.12.6.2018, praying to set aside orders of the District Collector, Adilabad and allow the Appeal Petition. The contentions of the Appellant and the documents submitted along with the Appeal are as follows:

- She has been provisionally selected as TRT under Agency STS category of Adilabad District.
- To verify genuineness of the Local ST certificate for issuing appointment orders in terms of directions of the Hon'ble High Court of Telangana, Hyderabad vide WP No.31426/2018 dated 5.9.2018 and WP No.32413/2018 dated 14.09.2018.

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- Accordingly, Scrutiny Committee conducted enquiry orally on 21.11.2019 and after verifying relevant documents submitted by her i.e. Khasra Pahani for 1358 Fasli (1948 year) of Chinthalbori vg, khasra pahani for 1954-55 of Pardi-B village, pahani for the year 1961-62 to 2010-2011 of Pardi-B village, pahani for the year 2017-18 of Pardi-B village, voter list for the year 1977 and without confronting the relevant entries of the names with documents as mentioned above, the Scrutiny Committee came to a negative conclusion that there is no significant evidence to prove that the appellant herein Jadhav Jyothi D/o Mothiram R/o Devulanaik thanda village of Boath Mandal belongs to Agency Area, hence the Local ST certificate bearing No.C/815/2018, dt.04.01.2019 issued by Tahsildar, Boath is liable to be cancelled. Basing on the findings of the Scrutiny Committee, the District Collector, Adilabad has cancelled her local ST certificate.
- The impugned orders of cancellation of Agency Area Local ST Certificate by the District Collector, Adilabad, dated 30.01.2020 is improper, illegal, contrary to law and standing rules. More particularly it is partial, harassive and therefore, liable to be set aside.
- It is obligatory on the part of the District Collector, Adilabad to give her an opportunity of hearing before recording its final conclusions, but no such opportunity nor any show cause notice was issued to her by the District Collector, Adilabad, and therefore suo-moto direct orders is against the principles of natural justice,, equality and fair play, and therefore liable to be set aside.
- In the absence of any lapse of relevancy, admissibilities of facts and its tentative reasons and in lieu of any discrete enquiry neither conducted nor initiated, cancellation of certificate is erroneous and unsustainable.
- In any view of the matter no substance of tampering of the documents, nor any misrepresentation in submitting the documents which are disclosed to close relation with the appellant as per family tree and documents neither considered nor discarded. Hence, she cannot be found fault for any misrepresentations or tampering of evidence and documents can be attributable to her and in this view of the matter, the impugned orders of cancellation proceedings are liable to be set aside.
 - She stated that she is again filing herewith 1358 Fasli (1948 year) of Chinthalbori village in favour of Ramji as cultivator in Sy.No.6; Khasra pahani 1954-55 in favour of Devla S/o Bheemsingh in Sy.No.29 of Pardi-B village; Pahani for 1961-62 in favour of Devla S/o Bheemsingh in Sy.No.29 at Pardi-B village; Pahani for 2017-18 in favour of Jadhav Mothiram S/o Devla in Sy.No.51/E of Pardi-B village; Voter list for 1977 – Sl.No.195 of PS No.101 showing name of Jadhav Devla S/o Bheemsingh; Family tree issued by Tahsildar, Boath clearly established that the petitioner appellant Jadhav Jyothi D/o Mothiram S/o late Devla who were dependants and legal heirs of Devla S/o Bheemsingh; Bheemsigh along with his five brothers are the legal heirs of Jadhav Thukaram who is the great grandfather of the appellant hereditary and while confronting with the relevant documents as put forth herein the name of Devla shown in the Khasra Pahani for the year 1954-55 and on 03-05-1950 purchased the land in Sy.No.29 stands in the name of Devla and name has been inserted into Khasra Pahani;

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- While taking entries into Khasra Pahani, the revenue authorities had made entries after correcting the name of Bheemsingh and there is no any ulterior motive or foul play on the part of the appellant. Her great grandfather or fathers to have interpolated or manipulated the relevant entries using different inks, as alleged in the proceeding were made by the concerned revenue authorities while changing of names and corrections duly signed by them. In this view of the matter, tampering of documents and interpolation of necessary and relevant entries by the applicant or fathers does not arise and the impugned order dated 30.01.2020 is liable to be set aside.

4. Therefore, the appellant prayed the Government to consider the appeal after subjecting to meticulous and judicious scrutiny with the grounds, aspects and facts as enumerated herewith and while confronting the relevant entries with documents may be scrutinized with the family tree as to whether the members of family trees are clearly related with the appellant and after due consideration sympathetically pass an order in setting aside the impugned order of District Collector in Procs.No.C3/2596/2019-61, dt.30.01.2020 in the interest of justice.

The following documents submitted along with Appeal Petition

- Affidavit with Family Tree duly Notarized by Sri B.Prem Singh, Notary Public, appointed by Government of AP, Adilabad District – wherein it was affirmed and stated on oath as follows:

Late Jadhav Thukaram S/o Harisingh has six sons viz., 1) Kalya 2) Bheem **Singh (great grandfather of appellant)**, 3) Chapla, 4) Purya, 5) Harjya and 6) Ramji.

Bheem Singh (great grandfather of appellant) has one son viz., Devula (grandfather of appellant).

Devula (grandfather of appellant) has five sons – 1) Ramkishan 2) Mothiram (father of appellant) 3) Vilas Rao 4. Mukund Rao and 5) Dileep Kumar.

Mothiram (father of appellant) has four children viz., 1) J.Veena (daughter) 2) J.Sujatha (daughter) 3) J.Jyothi (daughter and appellant herein) and 4) J.Sai Vara Prasad (son).

- Land documents of Chintalbori village – certified by Dy.Tahsildar, Boath Mandal.

1358 Fasli (1948 year) in Marathi Modi language translated by Sri Nagorao Jhade R/o Mahegaon, Mdl: Narnoor, District Adilabad – showing name of Sri Ramji (youngest brother of great grandfather Sri Bheemsingh) as Kouldar for an extent of 7.31 acres in Sy.No.6.

Pahani for 1955 to 1958 – shows name of Kishan S/o Chapla (Chapla is younger brother of great grandfather Sri Bheemsingh) as Pattedar for an extent of acs.7.39 R/o Pardi village.

Pahani for 1962-63 – shows name of Kishan S/o Chapla (Chapla is younger brother of great grandfather Sri Bheemsingh) as Pattedar for an extent of acs.7.39 R/o Pardi village.

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Pahani for 1969-70 -do-

Pahani for 1980-81 -do-

Pahani for 1990-91 – shows name of Ramesh S/o Kishan (son of younger brother Chapla of great grandfather Sri Bheemsingh) for an extent of acs.1.39 in Sy.No.6.

Pahani for 1999-2000 -do- for Sy.No.6/Aa.

Pahani for 2005-06 -do- -do-

Pahani for 2010-11 – shows name of Mothiram S/o Devula (father of appellant) for an extent of acs.2.04 gts in Sy.No.47/Ee.

- Land documents of Pardi-B village – certified by Dy.Tahsildar, Boath Mandal.

Khasra Pahani for 1954-55 – shows name of Devula S/o Bheemsingh R/o Pardi-B (grandfather of appellant) village for an extent of acs.3.29 gts. in Sy.No.29/Aa. (found signature for correction made)

Pahani for the year 1961-62 – shows name of Devula S/o Bheemsingh R/o Pardi-B village (grandfather of appellant) for an extent of acs.3.29 gts. in Sy.No.29/Aa.

Pahani for the year 1969-70 – shows name of Devula S/o Bheemsingh R/o Pardi-B village (grandfather of appellant) for an extent of acs.3.29 gts in Sy.No.29/Aa.

Pahani for the year 1981-82 – shows name of Devula S/o Bheemsingh R/o Pardi-B village (grandfather of appellant) for an extent of acs.3.29 gts in Sy.No.29/Aa.

Pahani for the year 1988-89 -do-

Pahani for the year 1999-2000 -do-

Pahani for the year 2005-06 -do-

Pahani for the year 2010-11 -do-

Pahani for the year 2019 issued through Meeseva on 14.11.2019 shows name of Jadhav Mothiram (father of appellant) for an extent of Acs.2.04 gts in Sy.No.47/Ee.

Pahani for the year 2019 issued through Meeseva on 14.11.2019 shows name of Jadhav Mothiram (father of appellant) for an extent of Acs.2.13 gts in Sy.No.51/E.

PPB issued by Tahsildar, Boath Mandal bearing No.T13060050053 under Khata No.95 showing patta for extent of Acs.2.04 gts and Acs.2.13 gts respectively in Sy.No.47/Ee and Sy.No.51/E in favour of Jadhav Mothiram S/o Devula (father of appellant) in Pardi-B village.

- Voter list for the year 1975 of Pardi-B village of Boath Firka under Boath Taluq – showing name of Jadhav Devula S/o Bheemsingh (grandfather of appellant) at Sl.No.194 under H.No.3-17.
- Voter list for the year 1977 of Pardi-B village of Boath Firka under Boath Taluq – showing name of Jadhav Devula S/o Bheemsingh under H.No.3-17 at Sl.No.195.

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- Educational certificates of J.Mothiram S/o Devla from I to X at ZPSS Sonala, Mandal: Boath from 1977 to 1987; Intermediate in 1990 from Govt.Junior College, Boath; BA I year from Government Degree College, Nirmal in 1991.
- Copy of Caste Certificate issued to Sri Mothiram S/o Devla R/o Pardi-B village, Mandal: Boath by MRO, Boath Mandal bearing R.Dis.No.F/2918/99, dt.21.12.1999.
- Educational certificates of Jadhav Jyoti D/o Mothiram (appellant), 3rd class to 6th class from 2001 to 2005 in Pragathi Pathashala, Echoda, from VII to X 2005 to 2009 in ZPHS Echoda, Intermediate in March,2011 in AVanthi Junior College, Echoda; B.Ed in Yasmeen Institute of Elementary Teacher Education, Unikicherla, Warangal.
- Copy of Community and Date of Birth Certificate dated 13.07.2015 issued by Tahsildar, Boath wherein it was certified that Jadhav Jyothi D/o Mothiram R/o Pardi Buzurg village of Boath Mandal belongs to Lambadis-28 (ST) community.
- Copy of Agency Area Local ST certificate issued under GO Ms.No.24, dt.12.6.2018 by Tahsildar, Boath Mandal – wherein it was certified that Jadhav Jyothi D/o Mothiram belongs to ST-Lambadi ST community notified under Article 342 of the Constitution of India in the State of Telangana and herself her parents/grand parents have been continuously residing at Pardi-B village since 26.1.1950 which is a notified scheduled village as per Scheduled Areas (Part B States) Order, 1950.

5. Vide reference 4th read above the District Collector, Adilabad has been requested to submit original record pertains into the case along with Parawise Remarks.

6. Accordingly, vide reference 5th read above the Project Officer, ITDA, Utnoor submitted the original record of the case along with Para wise Remarks.

7. Vide reference 6th read above a Notice has been issued to the appellant to attend for hearing on 05.09.2020 before the Government to prove her claim along with documentary evidences. Accordingly the Appellant has attended for hearing on 5.09.2020 and submitted the following documents, in addition to the documents, submitted along with appeal:

- Affidavit and Family Tree (in original) Notarized on 20.2.2020 by B.Prem Singh, Notary Public, Adilabad.
- Resolution of Gram Panchyath Devulanaikthanda, Boath Mandal, District Adilabad dated 13.03.2020 – wherein it was resolved that great grand grandfather of Jadhav Jyoti D/o Mothiram viz., Jadhav Thukaram has six sons viz., 1) Kalya 2) Bheem Singh (great grandfather of Jyothi), 3. Chapla, 4) Purya, 5) Harjya and 6) Ramji. They have agricultural land of acs.7.39 in Sy.No.6 in Chintalbori. Father of Devula i.e. Bheem Singh died in their childhood. Therefore, eldest and younger paternal uncles of Devula had purchased land for Devula in Sy.No.29 for an extent of Acs.3.29 gts in Pardi-B village. Therefore Devula did not get any share in land in Sy.No.6 of Chintalbori. This resolution was signed by Junior Panchayat Secretary and Sarpanch of Gram Panchtath Devulanaik thanda, Mandal: Boath, District Adilabad.

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- The appellant submitted a representation stating that she has been selected for the post of TRT and the corrections said to have been made in Khasra Pahani for 1954-55 were done by the concerned Patwari and he signed to the said extent in the pahani also and beside that column name of his grandfather Sri Devula S/o Bheemsingh was also written. Further, under the same Fasli 1358 (1948 year), her other family members J.Radhesyam, J.Sailaja and J.Reddinaik have been selected for the posts of FBO (Ichoda), SGT (Keramari) and Panchayat Secretary (Gangapoor) respectively.

8. The Government have verified the record sent by the Project Officer, ITDA, Utnoor, and found the following documents available on records.

9. The District Collector, Adilabad has cancelled the Agency Area Local ST Certificate of the appellant mainly on the ground that she failed to submit basic record from 1950 standing in favour of her great grandfather i.e. Bheemsingh S/o Thukaram and that the Khasra for the year 1954-55 was tampered. Further, the land record in favour of Ramji claiming him as own brother of her great grandfather Sri Bheemsingh but no link of relationship between them was produced.

10. The documents available on record, submitted by the Appellant along with the Appeal and during hearing on 5.9.2020, it is found that the appellant has produced record from 1358 Fasli (1948 year) of Chintalbori village duly translated by Marathi Modi Translator showing name of one Ramji who is own brother of her great grandfather Bheemsingh and the corrections pointed out in Khasra for the year 1954-55 are said to have been made by the Patwari concerned who had affixed his initial. The Affidavit and Family Tree duly Notarized amply establish relationships among the family members of the appellant from fore-fathers. Besides, from the GP resolution DT. 13.03.2020 of Devulanaik thanda (GP in the name of appellant's grandfather of Devulanaik), it is found that great grand grandfather of the appellant Jadhav Jyothi D/o Mothiram i.e. Jadhav Thukaram has six sons 1) Kalya 2) Bheemsingh (great grandfather of appellant Jyothi), 3) Chapla, 4) Purya, 5) Harjya and 6) Ramji (on whose name agrl land for an extent of 7.31 acres in Sy.No.6 was found at Kouldar at Chintalbori village). The GP resolved the same that the family of Jadhav Thukaram has agricultural land of acs.7.39 in Sy.No.6 in Chintalbori. Father of Devula i.e. Bheemsingh (i.e. great grandfather of appellant) died in their childhood. Therefore, eldest and younger paternal uncles of Devula S/o Bheemsingh had purchased land for Devula (grandfather of appellant) in Sy.No.29 for an extent of Acs.3.29 gts in Pardi-B village. Therefore, Devula was not given any share in land in Sy.No.6 of Chintalbori. This resolution was signed by Junior Panchayat Secretary and Sarpanch of Gram Panchayath Devulanaik thanda, Mandal: Boath, District Adilabad. Thus, as per the above evidences, no ambiguity is found in the statements/contentions made by the appellant Kumari Jadhav Jyothi D/o Mothiram R/o Pardi-B and amply prove that the family of the appellant are the continuous residents of Pardi-B, a notified scheduled village in Boath Mandal of Adilabad District.

11. Government after careful examination of the documents available on record, documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP

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No.32413 of 2018, dated 14.9.2018, it is found that the Appellant his/her forefathers have been continuously residing in pardi-B village of Boath Mandal in Adilabad District which is in Scheduled Area. As such the LSTAC bearing No.C/656/2016, dt.12.08.2016 issued by the Tahsildar, Boath Mandal to the Appellant Jadhav Jyothi D/o Mothiram R/o Devulanaikthanda of Boath Mandal Adilabad District, is found genuine and valid.

12. Accordingly, Government hereby set aside orders of the District Collector, Adilabad in Procs. No.C3/2596/2019-61, dt.30.01.2020 and allow the Appeal Petition filed by Jadhav Jyothi D/o Mothiram R/o Devulanaikthanda, Boath Mandal, Adilabad District.

13. The District Collector, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To
The District Collector, Adilabad District.
Jadhav Jyothi D/o Mothiram R/o Devulanaikthanda, Boath Mandal,
Adilabad District

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Uttoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER